

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5842 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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ASLALI SEVA SAHKARI MANDALI LTD

Versus

STATE OF GUJARAT  
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Appearance:

MR HARIN P RAVAL for Petitioner  
MRS SD TALATI AGP for Respondent No. 1,2,3 & 4.  
NOTICE SERVED BY DS for Respondent No. 5  
NOTICE UNSERVED for Respondent No. 6  
MR MK VAKHARIA for Respondent No. 7  
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CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 20/10/1999

ORAL JUDGEMENT

Rule. Mrs. S.D.Talati, AGP waives service of Rule on behalf of respondent nos. 1 to 4. Mr.Tushar Mehta for Mr.M.K.Vakharia waives service of Rule on behalf of respondent no.7.

2. On 14-7-1998, District Registrar, Co-operative

Societies, Ahmedabad Rural -respondent no.4 herein issued a show cause notice to the petitioner society calling upon them to show cause why custodian should not be appointed under Sec.74D of the Gujarat Co-operative Societies Act since the petitioner had failed to hold elections as required by law. Being aggrieved by the said notice, petitioner filed the present petition invoking jurisdiction of this court under Art. 226 of the Constitution.

3. Learned counsel for the petitioner states that thereafter two elections have already been held for the years 1998-99 and 1999-2000. Learned counsel for the respondent no.7 who was subsequently joined as party respondent in the present petition also does not dispute this fact. In view of this subsequent development, it is not disputed that the ground for issuing the impugned show cause notice does not survive. Hence the same is set aside without making any observation on merits. In view of the above, the petition is disposed of accordingly. Rule made absolute accordingly, with no order as to costs.

Date:20/10/1999. -----

(ccshah)